

**Present:**

**Jay Diener, Chair**  
**Barbara Renaud, Vice-Chair**  
**Pete Tilton**  
**Diane Shaw**  
**Pat Swank**  
**Sharon Raymond**  
**Deborah Wrobel**  
**Robert Fox, Alternate**

## I. Call to Order:

Chair Diener read the meeting preamble relative to the Governor's issuance of Emergency Order #12 authorizing Towns to meet electronically with no physical location pursuant to Executive Order #2020-04. The public notice was posted with instructions on the Town website <https://hamptonnh.gov/> for the public to access the meeting by calling 1-857-444-0744 and entering password 156034. If there are any problems to contact (603) 929-5805. In the event the public cannot access the meeting it will be postponed.

Jay Diener (alone), Barbara Renaud (alone), Pete Tilton (alone), Diane Shaw (alone), Deborah Wrobel (alone), Sharon Raymond (alone), Pat Swank (alone), Robert Fox (alone), and Rayann Dionne (alone).

Mr. Diener noted that for the elections vote, Mr. Fox could vote.

**SECOND:** Ms. Swank seconded the motion.

Renaud – yes, Tilton – yes, Shaw – yes, Wrobel – yes, Raymond – yes, Swank – yes, Fox – yes, Diener – yes.

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36 **SECOND:** Ms. Swank seconded the motion.

37 **ROLL CALL VOTE:** (8-0-0)

**MOTION PASSED**

38 Renaud – yes, Tilton – yes, Shaw – yes, Wrobel – yes, Raymond – yes, Swank – yes, Fox – yes,  
39 Diener – yes.

40 **MOTION:** Ms. Renaud nominated Jay Diener as Chair.

41 **SECOND:** Ms. Shaw seconded the motion.

42 **ROLL CALL VOTE:** (7-0-1)

**MOTION PASSED**

43 Renaud – yes, Tilton – yes, Shaw – yes, Wrobel – yes, Raymond – yes, Swank – yes, Fox – yes,  
44 Diener – abstain.

45 **III. Review Minutes**

46 **1. February 25, 2020**

47 Ms. Renaud recommended edits to Line 117 – add “or Campbell property” Line 115 Harbor  
48 “Road” and Ms. Shaw recommended editing the spelling of Batchelder Farm

49 **MOTION:** Ms. Renaud motioned to approve the February 25, 2020 minutes with the edits  
50 provided.

51 **SECOND:** Ms. Shaw seconded the motion.

52 **ROLL CALL VOTE:** (6-0-2)

**MOTION PASSED**

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54 Renaud – yes, Tilton – yes, Shaw – yes, Wrobel – yes, Raymond – yes, Swank – yes, Fox –  
55 abstain – Diener – abstain.

56  
57 **IV. Appointments**

58 **V. Applications**

59

60 **2. 64 & 68 Mooring Drive** **Town and NHDES Standard Wetlands Permit**

61 **Owner:** John & Mary Mulligan and Murray Family Nominee Trust

62 **Agent:** TF Moran

63 Install toe stones along the base of the slope along with plantings to help prevent additional  
64 erosion along the salt marsh.

65

66 Eric Salovitch of TF Moran and Mary Mulligan of 64 Mooring Drive identified themselves as  
67 present.

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Mr. Salovitch indicated there was a site walk on February 22<sup>nd</sup> with Conservation Commission. The proposal at that time was for a concrete wall protecting the rear of the property from erosion. On February 25, 2020 the Conservation Commission met to discuss the redesign of the toe stones at the bottom of the slope with vegetation behind. Each parcel is under 1/10<sup>th</sup> of an acre. There is 80 linear feet along the Hampton Salt Marsh and within 100' of prime wetland buffer. The toe stones are 2-3' diameter and fill will be cast behind. No outside fill will be brought in, the soils removed during toe stone installation will be placed behind the stones. They will install native plantings landward of the toe stones/up the slope. Mr. Salovitch noted that the Town permit was filed on March 3, 2020 and the State permit shortly after.

Chair Diener polled the members to see if they had any comments or concerns. Ms. Renaud indicated she was fine with it, the site walk covered it. Mr. Tilton, Ms. Shaw, Ms. Wrobel, Ms. Raymond, Ms. Swank, and Mr. Fox had no questions or concerns.

Chair Diener opened the hearing to the public for comments and questions and being none closed the hearing to the public at 6:44 PM for deliberations.

Ms. Dionne asked during the stone installation, given the close boundary with the Town, it will be important to ensure that the machinery stays on the owner's property and does not enter the salt marsh. Mr. Salovitch indicated there is a silt fence, and the property boundary will be staked by the survey so that none of the work extends beyond the property boundary. The boulders would be keyed in from the landward side of the slope. There is a 10' temporary impact area where the machinery will work.

Chair Diener asked about restoration work and Mr. Salovitch indicated it will be graded and returned to the natural state.

Ms. Dionne addressed the stipulations of approval including Wetlands Conservation District Markers which she noted would need to be installed on something permanent.

Stipulations:

Install at least two Wetlands Conservation District markers at the wetland buffer edge. The markers must be permanently affixed to a structure such as a dwelling, fence, or a post cemented into the ground. Wetland markers can be purchased at the Hampton Planning Office

The application of fertilizer, pesticides, insecticides, or herbicides is prohibited in any tidal or inland wetland, area of poorly and very poorly drained soils, vernal pools, or their buffers. However, the application of limestone is permitted within the buffer.

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The application of fertilizer, pesticides, insecticides, or herbicides is prohibited in any tidal or inland wetland, area of poorly and very poorly drained soils, vernal pools, or their buffers. However, the application of limestone is permitted within the buffer.

All proposed plantings shall have at least 75% success after two (2) growing seasons. Any plants that do not survive shall be replanted or replaced with another suitable plant species.

Proper erosion control will be in place before construction begins and remain in place until the area is stabilized and removed after construction is complete.

The buffer should remain undisturbed to the degree possible in the process of construction and elevations not be changed. No additional fill is allowed.

There shall be no additional structures or impervious surfaces in the buffer, other than those shown on the approved plan. A new Wetlands Permit is required for the construction of any additional structure(s) or impervious surface(s) in the buffer.

The Conservation Commission shall be notified in writing upon commencement and completion of the project. A final inspection shall also be scheduled with the Conservation Coordinator upon completion of the project.

This permit will expire two years from the date that it is granted by the Planning Board. Refer to Hampton Zoning Ordinance Section 2.3.5 or information or permit extensions.

Ms. Dionne questioned whether the Commission would like to require an As-Built plan. Mr. Salovitch asked for relief due to the expensive cost of the construction plan and survey and asked if there were any way around it such as photos to show completion.

Chair Diener indicated the applicant could work with Ms. Dionne as to placement location of the WCD markers and demonstrate to the satisfaction of the Conservation Coordinator that the work will not exceed what is shown on the plan.

Ms. Raymond indicated the Commission should be able to verify the plan and if not, then provide an as-built plan. Chair Diener clarified if the completed work does not appear to match then the Commission can request an As-Built plan.

**MOTION:** Ms. Shaw motioned to recommend approval of the Town Wetlands Permit for 64 & 68 Mooring Drive for the installation of the toe stones at the base slope to the rear of the property with planting to prevent erosion.

**SECOND:** Mr. Tilton seconded the motion.

**ROLL CALL VOTE:** 6-0-1 (Mr. Diener abstained)

**MOTION PASSED**

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Renaud – yes, Tilton – yes, Shaw – yes, Wrobel – yes, Raymond – yes, Swank – yes, Diener – abstain.

**MOTION:** Mr. Tilton motioned to not oppose the NHDES Wetland Permit.

**SECOND:** Ms. Swank seconded the motion.

**ROLL CALL VOTE:** 6-0-1 (Mr. Diener abstained)

**MOTION PASSED**

Renaud – yes, Tilton – yes, Shaw – yes, Wrobel – yes, Raymond – yes, Swank – yes, Diener – abstain.

Mary Mulligan noted that she received a letter from the Planning Board and they are on the agenda for the May 6<sup>th</sup> meeting.

**3. 39 & 43 Hobson Ave** **Town and NHDES Standard Wetlands Permit**  
**Owner:** Mary Dray & Fran Kendellen and Frank & Grace McFall

Frank McFall and Mary Dray announced they were present to discuss their applications.

Mr. McFall indicated the proposal is to improve the shared driveway and replace the 40-year old non-permeable asphalt driveway with permeable asphalt. This would benefit the applicants by keeping water from puddling, freezing, or causing slip and fall and the environment.

Ms. Dionne noted she spoke with the contractor and due to the water table being high there would not be as much water storage but this proposal is better than the current lack of infiltration with standard pavement. The applicant is gaining the ability to store and treat the stormwater runoff which will be an improvement to the site.

Chair Diener polled the members to see if they had questions, comments, or concerns.

Ms. Renaud noted her only concern had been the groundwater table which Ms. Dionne just addressed.

Mr. Tilton, Ms. Shaw, and Ms. Raymond had no comments. Ms. Wrobel had no comments and supported the application. Ms. Swank indicated she was supportive of the proposal and advised the applicant the maintenance is required to be effective. Montgomery County, MD has a great website which she will forward to Ms. Dionne to send along to the owners.

Mr. Fox asked if there was any testing done on the driveway and how thick it was now, how much would be removed and replaced. Mr. McFall indicated there was no test. Ms. Dionne noted she spoke with the contractor who noted it was 12” of old material with 10” of 1 ½”

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188 crushed stone and 2" of ¾" stone. Mr. Fox questioned whether it was worth mentioning the  
189 removal of old debris and Chair Diener noted the proposal is to go to the existing water table and  
190 there would be no benefit to going deeper.

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192 Chair Diener asked about the depth of the driveway into the property and if there was any way to  
193 shorten it away from the resource and provide protection of the resource at the end by way of a  
194 fence, plantings, curbing, or boulders and Mr. McFall indicated there was already a fence at the  
195 end.

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197 Chair Diener opened the hearing to the public for comments and questions and being none closed  
198 the hearing to the public for deliberations at 7:05 PM.

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200 **MOTION:** Ms. Renaud motioned to recommend approval of the installation of the  
201 permeable driveway at 39 & 43 Hobson Ave with stipulations to be specified by  
202 the Conservation Coordinator.

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204 **AMENDED:** Ms. Shaw added debris to be removed from the site

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206 **SECOND:** Ms. Shaw seconded the motion.

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208 Ms. Dionne read the stipulations:

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210 Wetland conservation district markers – Ms. Dionne noted some may already be in place. Mary  
211 Dray indicated the markers have been there for 50 years. On the shed, and there is also one on  
212 the fence and one on the side of the house. Ms. Dionne added the stipulation concerning  
213 fertilizer and grass clippings although she was doubtful there would be any such activity taking  
214 place on the driveway;

215  
216 Stipulations:

217  
218 The application of fertilizer, pesticides, insecticides, or herbicides is prohibited in any tidal or  
219 inland wetland, area of poorly and very poorly drained soils, vernal pools, or their buffers.  
220 However, the application of limestone is permitted within the buffer.

221 No storage of grass clippings or yard waste in the wetland or its buffer.

222 Proper erosion control will be in place before construction begins and remain in place until the  
223 area is stabilized and removed after construction is complete.

224 The buffer should remain undisturbed to the degree possible in the process of construction and  
225 elevations not be changed. No additional fill is allowed.

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There shall be no additional structures or impervious surfaces in the buffer, other than those shown on the approved plan. A new Wetlands Permit is required for the construction of any additional structure(s) or impervious surface(s) in the buffer.

The Conservation Commission shall be notified in writing upon commencement and completion of the project. A final inspection shall also be scheduled with the Conservation Coordinator upon completion of the project.

This permit will expire two years from the date that it is granted by the Planning Board. Refer to Hampton Zoning Ordinance Section 2.3.5 or information or permit extensions.

**ROLL CALL VOTE:** 6-0-1 (Mr. Diener abstained) **MOTION PASSED**

Renaud – yes, Tilton – yes, Shaw – yes, Wrobel – yes, Raymond – yes, Swank – yes, Diener – abstained.

**MOTION:** Ms. Swank motioned to not oppose approval of the NHDES Permit for 39 & 43 Hobson Ave for the installation of an impervious asphalt driveway.

**SECOND:** Ms. Renaud seconded the motion.

**ROLL CALL VOTE:** 6-0-1 (Mr. Diener abstained) **MOTION PASSED**

Renaud – yes, Tilton – yes, Shaw – yes, Wrobel – yes, Raymond – yes, Swank – yes, Diener – abstain.

**4. 38 Island Path** **NHDES Minimum Expedited Wetlands Permit**

**Owner:** Richard and Martha Bernier Rev. Trust

**Agent:** Norman Carpentier

Mr. Carpentier presented the proposal for 38 Island Path. Mr. Carpentier indicated the structure has been in the flood zone and floods. The proposal would elevate the structures above the flood plan at elevation 11.5-12' on helical piles with piers so the water will flow freely under the house. There would be silt socks, wood cribbing at elevation 12. The concrete blocks would be removed from the site. Disturbed areas would be loamed and seeded within 72 hours of completion. Existing vegetation would remain with 4-5" of loam and seed mix. The footprint would be the same, 913 SF, the driveway 174 and the stairs would include a couple of steps, 203 feet with shed and air conditioner the same. The total SF is changing from 1209 SF to 1228 SF. Impervious coverage from 21% to 21.6% calculated by Mr. Boyd of Millennium Engineering.

Ms. Dionne asked about putting blocks under the shed to elevate that. The flood zone is AE-9. With the addition of 1' of freeboard, elevation at 10' is required and this will be above that. The underneath would be open.

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Mr. Carpentier noted the temporary impact will be 464 and permanent 955.

Chair Diener polled the members for comments, questions, and concerns.

Ms. Renaud, Ms. Shaw, Ms. Wrobel, Ms. Raymond had no comments. Mr. Tilton indicated it was a good idea. Ms. Swank asked about stabilizing the soil underneath the house. Mr. Carpentier indicated it could be left as is and nothing would grow without sunlight but he would recommend stone if the owner is willing to spend the money.

Mr. Fox asked if the porch would be raised and included in the 955 SF calculation? Mr. Carpentier clarified the screened-in front and Mr. Fox indicated yes. Mr. Carpentier noted all were being elevated with the house except for the back deck which will be removed and replaced in kind. There would be two additional steps in the rear and two in the front as shown on the application.

Chair Diener opened the hearing to the public for comments and questions and being none closed the hearing to the public at 7:32 PM for deliberations.

**MOTION:** Mr. Tilton motioned to sign the minimum expedited wetland permit.

**SECOND:** Ms. Renaud seconded the motion.

**ROLL CALL VOTE:** 6-0-1 (Mr. Diener abstained)

**MOTION PASSED**

Renaud – yes, Tilton – yes, Shaw – yes, Wrobel – yes, Raymond – yes, Swank – yes, Diener – abstain.

Ms. Dionne indicated the project requires a Town permit and the applicant will return next month.

**1. 1038-1040 Ocean Blvd**

**Town and NHDES Standard Wetlands Permit**

**Owner:** John and Nora Parell

**Agent:** West Environmental

Ms. Dionne noted this is for emergency authorization from NHDES for damage caused in 2018 by two Nor'easters. The work has been completed so this is an after-the-fact filing of permits.

Mark West presented the application for 1038-1040 Ocean Boulevard to permit the repair of the seawall.



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Chair Diener added the provision if approved to allow a maintenance period under set conditions.

Ms. Renaud had no comments and was okay with maintenance provision, Mr. Tilton was in favor, Ms. Shaw, Ms. Wrobel, and Ms. Raymond had no comments. Ms. Swank asked when the existing permit would expire and Mr. West indicated any additional repairs would be with the new permit applying for now. Ms. Swank asked if it was a three-year permit and Mr. West indicated it was a five year with one renewal provision to ten years. Mr. Fox had no comments.

Ms. Dionne noted the NHDES permit was good for five years and could be extended once. However, the Town permits have two extensions of two years so up to six years. This is only to adjust stones in the current wall not to bring in new materials. The applicant must coordinate with the Board of Selectmen and DPW for access to the beach or to traverse Town land.

Mr. Diener added it cannot exceed the current toe of the wall. Mr. West noted he understood and was aware and did have concerns with the beach closures, access may not be in May or June.

Chair Diener opened the hearing to the public for comments and questions and being none closed the hearing to the public at 7:17 PM.

**MOTION:** Mr. Tilton motioned to support the application for 1038-1040 Ocean Boulevard up to six years provided permit extensions are granted. It is the responsibility of the applicant to apply for an extension before the permit expires.

**SECOND:** Ms. Swank seconded the motion.

**AMENDED:** Chair Diener added the stipulation that only boulders that have fallen be replaced. No new can be brought in and no work beyond the toe of the wall. Ms. Renaud added the stipulation that the applicant coordinate with the Board of Selectmen for access to the Town land or beach access.

**ROLL CALL VOTE:** 6-0-1 (Mr. Diener abstained)

**MOTION PASSED**

Renaud – yes, Tilton – yes, Shaw – yes, Wrobel – yes, Raymond – yes, Swank – yes, Diener – abstain.

Ms. Renaud asked if the application was received yet for the NHDES Wetlands Permit and Mr. West indicated he had not. Chair Diener postponed the NHDES Permit recommendation until next month provided the application is submitted on time.

**VI. New Business**

**1. RSA 41:14-a Proceeding – 7 Eighth St. – Release of Deed Restriction #4**

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**MOTION:** Mr. Tilton motioned to not oppose lifting Deed Restriction #4 for 7 Eighth Street.

**SECOND:** Ms. Swank seconded the motion.

**ROLL CALL VOTE:** 6-0-1 (Mr. Diener abstained)

**MOTION PASSED**

Renaud – yes, Tilton – yes, Shaw – yes, Wrobel – yes, Raymond – yes, Swank – yes, Diener – abstain.

**2. 553 Ocean Blvd – planting plan review**

Ms. Dionne indicated for release of the escrow the property owner has attempted on several occasions to get the plantings to grow but they are inundated by water. She spoke with Eben Lewis at DES and he sees no issue with letting nature take its course and allowing the patchy growth to spread out and fill in.

**MOTION:** Ms. Swank motioned to recommend the release of the escrow for 553 Ocean Boulevard based on the attempts of the property owner to grow out the plantings and allow the existing plantings to fill in.

**SECOND:** Ms. Renaud seconded the motion.

**ROLL CALL VOTE:** 6-0-1 (Mr. Diener abstained)

**MOTION PASSED**

Renaud – yes, Tilton – yes, Shaw – yes, Wrobel – yes, Raymond – yes, Swank – yes, Diener – abstain.

**3. Town Forest Activities**

Ms. Dionne reported at the beginning of the year there was a Town Forest Committee meeting with Chris Jacob the tree warden. There has been substantial biking and jump activity and when inspected it appears to have added on. Mr. Tilton was out there a few weeks ago and noted the same structures and tools are still there and more. Ms. Dionne reached out to Town Manager, Town Attorney, and Assistant Town Manager and the Town Manager recommended a vote of the Commission would include asking the Selectmen to have the DPW remove the disturbances by flattening them out. Ms. Dionne or a member of the Town Forest Committee could supervise the tree removal necessary for the DPW to get equipment in.

**MOTION:** Mr. Tilton motioned to send a letter to the Selectmen to have the DPW address the disturbances at the Town Forest and to have Ms. Dionne or a member of the Town Forest Committee supervise the removal of trees by the DPW to access the site with equipment.

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**SECOND:** Ms. Swank seconded the motion.

**ROLL CALL VOTE:** 6-0-1 (Mr. Diener abstained)

**MOTION PASSED**

Renaud – yes, Tilton – yes, Shaw – yes, Wrobel – yes, Raymond – yes, Swank – yes, Diener – abstain.

Ms. Renaud recommended getting the word out about the availability of the Town Forest trails for walking and the access to trail maps at the Whites Lane gate. There is parking for ten cars so she is not concerned with social distancing. Maybe add a letter to the Selectmen asking them to remind citizens the walking trails are available or posting on social media.

Mr. Sullivan will check on any nearby parking restrictions but doesn't think if it isn't posted there are any.

Chair Diener polled the members for their comments. Ms. Renaud was in favor, Mr. Tilton was not against. Ms. Shaw was not opposed to emphasizing walking. Ms. Wrobel had no comments. Ms. Raymond was not in favor of encouraging people right now. Ms. Swank agreed when the Corona Virus was over it could be advertised through schools for vacation or summer, in the future. Mr. Fox asked about map overlays and putting on the Conservation website to download. Ms. Dionne will circulate the pdf she has and revisit it at the next meeting.

Ms. Dionne indicated a couple of photos could be taken and put on the Facebook page. Chair Diener indicated he would rely on people to use their good judgment if there were too many people.

**VII. Old Business**

**4. 2020 Warrant Articles**

Chair Diener encouraged the Commission to jot down ideas and noted the economy could be worse next year.

**5. Natural Resource Inventory**

Ms. Dionne noted the subcommittee met twice. The Table of Contents will be reviewed as an outline for missing or outdated information and an RFP put together.

**6. Coastal Hazards Master Plan Chapter – update**

Ms. Dionne noted the contract was underway and the Commission will get involved when the time comes to review and provide feedback. Ms. Raymond noted the meeting was canceled and they will meet next month. The funding was approved at Town Meeting which was a big step.

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**VIII. Conservation Coordinator and Chair update**

Chair Diener noted the Town of Newfields was working with the Pollinator Pathways program which encourages residents to reduce their lawn size and chemical additives, promoting native plants and is asking the Commission to support the program and designate a local representative who doesn't have to be a member of the Commission. The representative would be responsible for publicizing events and would take up about 4-8 hours per month. The Commission could decide to support the program or have someone come in and talk next month.

Ms. Swank asked if the National Wildlife Federation who sponsors a similar program were connected and Chair Diener indicated he could be wrong but didn't think they were. Mr. Fox noted there was no link to Audubon on their website. Chair Diener indicated the website can be viewed for more information: <https://www.pollinator-pathway.org>

Ms. Dionne and Chair Diener thanked everyone for participating in this strange and unusual meeting format.

Chair Diener congratulated Ms. Wrobel for being appointed as the new Vice-Chair.

**IX. Adjourn**

**MOTION:** Mr. Tilton motioned to adjourn the meeting at 8:11 PM.

**SECOND:** Vice-Chair Wrobel seconded the motion.

**VOTE:** 6-0-1 (Chair Diener abstained)

**MOTION PASSED**

Respectfully submitted,

Nancy J. Hoijer,  
Recording Secretary